IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24833 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? **-No.**

2 To be referred to the Reporter or not ? **-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ? **-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? **-No.**

5 Whether it is to be circulated to the civil judge ? **-No.**

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SANJAY ALIAS MEBLO S/O RAMESH-SING BHADORIYA - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS KRISHNA U MISHRA for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 10/01/2006

ORAL JUDGMENT

1.Sanjay Alias Meblo S/o Rameshsing Bhadoriya, petitioner-detenu has filed this petition of habeas corpus challenging the order of detention dated

2/8/2005 passed by the Police Commissioner, Ahmedabad, detaining authority, under the provisions of Gujarat Prevention of Anti-Social Activities Act, 1985. Petition has been filed on 23/12/2005. This Court has issued Rule on 28/12/2005 which was returnable on 10/1/2006. On behalf of respondent, Mr.L.R.Pujari, leaned APP appears. Therefore, with consent of parties, matter has come up for final hearing in this Court.

2. Ms.Krishna U. Mishra, learned advocate appears for the petitioner. She has invited my attention to the petition filed by Ashwin @ Sanju @ Peagesh Sureshkumar Yadav i.e. Special Civil Application No.24626 of 2005 which has been disposed of by this Court today i.e. 10/1/2006. The present petitioner is co-detenu in the same matter in this behalf.

3. In view of the same reasons stated, in Special Civil Application No.24626 of 2005, while this Court has allowed the petition after giving detailed reason, this petition is also required to be allowed as present petitioner is co-accused of Special Civil Application No.24626 of 2005.

4.In the result, I am of the view that the order of detention cannot be sustained by law. I hereby quash and set aside the order of detention. Petition is allowed. Sanjay alias Meblo S/o Rameshsing Bhadoriya, detenu is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost. Direct service is permitted.

(K.M.MEHTA, J.)

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